

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-cr-81165

v.

D-1 KHAOPHONE SYCHANTHA,

Hon. Sean F. Cox
United States District Court Judge

Defendant.

_____ /

ORDER
DENYING DEFENDANT'S MOTIONS TO DISMISS INDICTMENT
(ECF Nos. 149, 150, 162, 163, 172, 173)

A jury trial in this criminal case began on October 11, 2024, and defendant Khaophone Sychantha filed two motions to dismiss his indictment on the second day of that trial on October 15, 2024. Sychantha's first motion argued that the Court should dismiss his indictment because prosecuting him would violate the Speedy Trial Act (ECF No. 149) and his second motion argued that the Court should dismiss his indictment because his transfer from Canada to the United States in advance of his prosecution in this case was unlawful (ECF No. 150). The jury ultimately convicted Sychantha on all charges.

Before the Court could rule on Sychantha's October 15 motions to dismiss, he filed two new motions to dismiss on November 1, 2024, which were identical to his October 15 motions.¹ (ECF Nos. 162, 163). Sychantha then filed an additional two motions to dismiss on November 20, 2024, that were identical to his October 15 and November 1 motions save for an updated

¹ ECF No. 162 is identical to ECF No. 149 and ECF No. 163 is identical to ECF No. 150.

address.² (ECF Nos. 172, 173). Also on November 20, Sychantha filed a notice that he was appealing his conviction.

“A notice of appeal generally ‘confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.’” *United States v. Marin*, 642 F. Supp. 3d 607, 609 (E.D. Mich. 2022) (quoting *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985)). Because Sychantha now appeals his conviction, “jurisdiction over the viability of his indictment was transferred to the Sixth Circuit Court of Appeals.” *Id.* Accordingly, **IT IS ORDERED** that Sychantha’s motions to dismiss (ECF Nos. 149, 150, 162, 163, 172, 173) are **DENIED** pursuant to Local Rule 7.1(f)(2).

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 16, 2024

² ECF No. 173 is identical to ECF Nos. 149 and 162 save for an updated address, and the same goes for ECF No. 172 with respect to ECF Nos. 150 and 163.